

EXHIBIT “B”

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Allegheny

County

For Prothonotary Use Only:

Docket No:

GD-21-006032

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons
☐ Transfer from Another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff's Name:
Maureen Scullon

Lead Defendant's Name:
Penn Hills Shopping Center, LLC

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits
(check one)

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Jacqueline Morgan, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☒ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MAUREEN SCULLON	:	CIVIL DIVISION
6703 Saltzburg Rd., Apt. 201	:	
Pittsburgh, PA 15235	:	Docket No.: <u>GD-21-006032</u>
Plaintiff	:	Premises Liability
	:	
v.	:	Type of Pleading: Complaint
	:	
PENN HILLS SHOPPING CENTER, LLC	:	Filed on Behalf of: Plaintiff,
1208 Rt. 34, Suite 19	:	Maureen Scullon
Aberdeen, NJ 07747	:	
and	:	Counsel of Record for this Party:
FOUR MACS PENN HILLS, LLC	:	Jacqueline Morgan, Esquire
704 Club Drive	:	Attorney ID: PA 59303
Fort Worth, TX 76114	:	Lowenthal & Abrams, P.C.
and	:	555 City Line Avenue
BIG LOTS STORES, INC.	:	Suite 500
300 Phillipi Rd.	:	Bala Cynwyd, PA 19004
Columbus, OH 43228	:	T: 610-667-7511
Defendants:	:	F: 610-667-7440
	:	jmorgan@lowenthalabrams.com
	:	
	:	JURY TRIAL DEMANDED

LOWENTHAL & ABRAMS, P.C.

By: Jacqueline Morgan, Esquire
 Identification No. 59303
 555 City Line Avenue, Suite 500
 Bala Cynwyd, Pennsylvania 19004
 (610) 667-7511
 jmorgan@lowenthalabrams.com

Attorneys for Plaintiff

MAUREEN SCULLON	:	COURT OF COMMON PLEAS
6703 Saltzburg Rd., Apt. 201	:	ALLEGHENY COUNTY
Pittsburgh, PA 15235	:	
	:	
Plaintiff	:	No. GD-21-006032
	:	
v.	:	Civil Action – Law
	:	
PENN HILLS SHOPPING CENTER, LLC	:	
1208 Rt. 34, Suite 19	:	
Aberdeen, NJ 07747	:	
and	:	
FOUR MACS PENN HILLS, LLC	:	
704 Club Drive	:	
Fort Worth, TX 76114	:	
and	:	
BIG LOTS STORES, INC.	:	
300 Phillipi Rd.	:	
Columbus, OH 43228	:	
Defendants	:	

NOTICE TO DEFEND**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

**Lawyer Referral Service
Allegheny County Bar Association
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555
<https://www.getapittsburghlawyer.com>**

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

**Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555
<https://www.getapittsburghlawyer.com>**

LOWENTHAL & ABRAMS, P.C.

By: Jacqueline Morgan, Esquire

Identification No. 59303

555 City Line Avenue, Suite 500

Bala Cynwyd, Pennsylvania 19004

(610) 667-7511

jmorgan@lowenthalabrams.com

Attorneys for Plaintiff

MAUREEN SCULLON	:	COURT OF COMMON PLEAS
6703 Saltzburg Rd., Apt. 201	:	ALLEGHENY COUNTY
Pittsburgh, PA 15235	:	
	:	
Plaintiff	:	No. GD-21-006032
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v.	:	Civil Action – Law
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PENN HILLS SHOPPING CENTER, LLC	:	
1208 Rt. 34, Suite 19	:	
Aberdeen, NJ 07747	:	
and	:	
FOUR MACS PENN HILLS, LLC	:	
704 Club Drive	:	
Fort Worth, TX 76114	:	
and	:	
BIG LOTS STORES, INC.	:	
300 Phillipi Rd.	:	
Columbus, OH 43228	:	
Defendants	:	

**COMPLAINT - CIVIL ACTION
PREMISES LIABILITY**

1. Plaintiff, MAUREEN SCULLON (hereinafter referred to as "Plaintiff"), is an adult individual who lives at the above-captioned address.
2. Defendant, PENN HILLS SHOPPING CENTER, LLC, is a Delaware limited liability company with a principal address at the above-captioned address.

3. Defendant, PENN HILLS SHOPPING CENTER, LLC, is a Delaware limited liability company with a principal address at the above-captioned address.

4. Defendant, BIG LOTS STORES, INC, is an Ohio corporation with a principal address at the above-captioned address.

5. On or about **Monday, June 24, 2019**, Defendants jointly owned, possessed, maintained, controlled and/or had the right to control the building and common areas of the property known as **Penn Hills Shopping Center, 11628 Penn Hills Drive, Pittsburgh, Allegheny County, Pennsylvania 15235** (hereinafter referred to as "Premises").

6. At all times material, the Defendants acted through duly authorized agents, servants, workman and/or employees within the course of their employment, scope of authority and in furtherance of the Defendant's employer's business.

7. At all times, Defendants, PENN HILLS SHOPPING CENTER, LLC and FOUR MACS PENN HILLS, LLC jointly owned the Premises as Tenants in Common.

8. At all times material, Defendant, PENN HILLS SHOPPING CENTER, LLC was charged with the duty to oversee the common areas of the Premises property/area, manage its finances, run business affairs, enforce and set rules, and provide for and oversee the maintenance and upkeep of the area, more specifically to maintain the sidewalks, walkways, stairways and areas of pedestrian travel free of hazards and defective conditions.

9. At all times material, Defendant, FOUR MACS PENN HILLS, LLC was charged with the duty to oversee the common areas of the Premises property/area, manage its finances, run business affairs, enforce and set rules, and provide for and oversee the maintenance and upkeep of the area, more specifically to maintain the sidewalks, walkways, stairways and areas of pedestrian travel free of hazards and defective conditions.

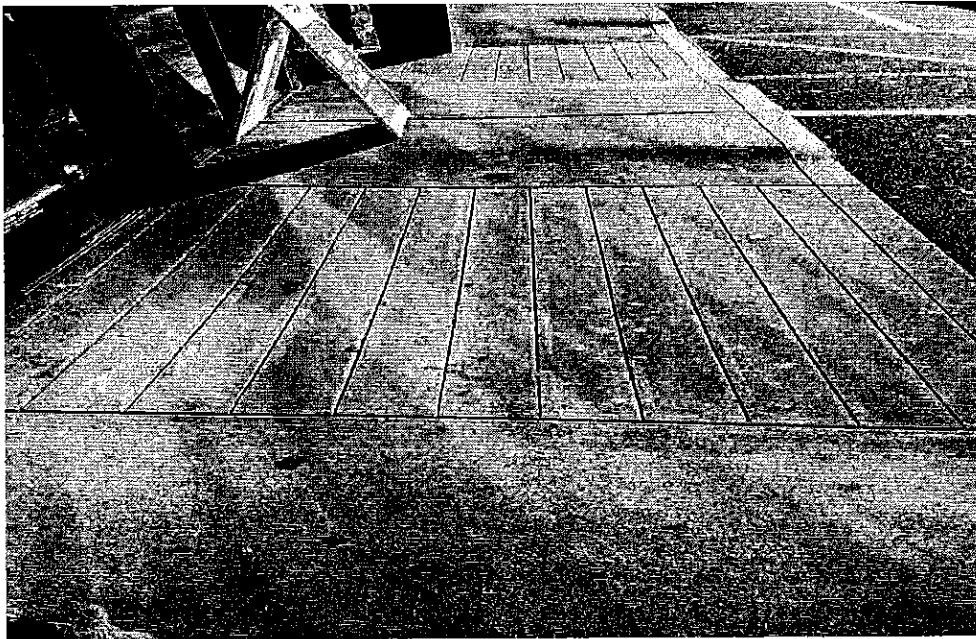
10. At all times, Defendant, BIG LOTS STORES, INC. was a lessee/tenant of the co-Defendants in the Penn Hills Shopping Center.

11. At all times, Defendant, BIG LOTS STORES, INC. operated the Big Lots-Penn Hills located within the Penn Hills Shopping Center.

12. At all times material, Defendant, BIG LOTS STORES, INC. was charged with the duty to oversee the common areas of the Premises property/area, manage its finances, run business affairs, enforce and set rules, and provide for and oversee the maintenance and upkeep of the area, more specifically to maintain the sidewalks, walkways, stairways and areas of pedestrian travel free of hazards and defective conditions.

13. On or about **Monday, June 24, 2019**, Plaintiff was a pedestrian/business invitee and was lawfully approaching the sidewalk at the entrance of the Premises.

14. On **Monday, June 24, 2019**, Plaintiff fell on the Premises as a result of a defective and dangerous condition of the Premises created by or allowed to remain by Defendant, namely a defect consisting of an unmarked/camouflaged change in elevation/raised section of the sidewalk area of the Premises which created a trip hazard as a result of an uneven surface depicted below:



15. At all times material, Defendants were aware or should have been aware of the defective and dangerous condition of the Premises.

16. The aforesaid defective and dangerous condition of the Premises was either created by or allowed to remain by the Defendants.

17. Specifically, Plaintiff was injured when she fell while approaching the subject sidewalk at the entrance to the Big Lots-Penn Hills and tripping on the raised curb portion causing injury described hereinafter.

18. At all times relevant, Defendants knew or should have known of the existence of the defective and dangerous conditions of the Premises and knew or should have known it posed a serious risk of harm to Plaintiff.

19. At all times, Defendants invited the use of and intended the path followed by Plaintiff as a means of pedestrian travel on the Premises.

20. As the direct and proximate result of Defendants' joint and/or several negligence, Plaintiff sustained severe injuries, both internal and external, to her left wrist, body and/or the aggravation of pre-existing conditions thereto, if any, with injury to the bones, joints, nerves, and nervous system, including: **displaced distal radius fracture: ulnar styloid fracture: and disruption of the distal radioulnar joint;** severe aches pains; exacerbation of all known and unknown pre-existing medical conditions necessitating **surgical intervention via open reduction internal fixation of the left two-part intra-articular distal radius fracture, irrigation debridement of skin, subcutaneous tissue, muscle and bone for distal radius fracture and left open carpal tunnel release** and other residual injuries including **numbness** that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs the ability to perform daily life activities, the full extent of which is not yet known.

21. As a further result of Defendants' negligence, Plaintiff suffered severe pain, mental anguish, humiliation, and embarrassment and may continue to suffer for an indefinite period of time in the future.

22. As a further result of Defendants' negligence, Plaintiff has and probably will in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid incident, and will otherwise incur various expenditures for the injuries suffered.

23. As a further result of Defendant's negligence, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the injuries caused by Defendant's negligence.

24. As a further result of Defendants' negligence, Plaintiff has been unable to attend to her daily chores, duties, and occupations, and may be unable to do so for an indefinite time in the future, all to her great financial detriment and loss.

25. As a further result of Defendants' negligence, Plaintiff has suffered a loss of her earnings and may suffer an impairment of earning capacity.

26. The incident and injury to Plaintiff was caused solely by the negligence of Defendants and was not due to any negligence on the part of Plaintiff.

Count I

Plaintiff v. Penn Hills Shopping Center, LLC and Four Macs Penn Hills, LLC

27. The negligence of Defendants, PENN HILLS SHOPPING CENTER, LLC and FOUR MACS PENN HILLS, LLC consisted of the following:

- a. Creating the dangerous condition of the Premises;
- b. failing to properly, completely, and thoroughly inspect the subject area for dangerous and hazardous conditions;
- c. inviting use of the dangerous path of travel;
- d. creating the defective and dangerous condition of the sidewalk;
- e. allowing the defective and dangerous condition to exist and remain for an unreasonable amount of time;
- f. failure to maintain the subject area;
- g. failure to hire a competent property management and or maintenance service;
- h. failure to provide sufficient lighting in the area;
- i. failure to construct and maintain a consistent and even curb height;
- j. failure to warn Plaintiffs of the defective condition and change in elevation of the curb of the sidewalk;
- k. failure to warn pedestrians, including the Plaintiff of the aforesaid defective condition of the Premises; and

- I. failure to construct the sidewalk in conformity with local building regulations and codes.

WHEREFORE, Plaintiff, MAUREEN SCULLON, demands damages against Defendants, PENN HILLS SHOPPING CENTER, LLC and FOUR MACS PENN HILLS, LLC in an amount in excess of Thirty-Five Thousand (\$35,000.00) Dollars, plus costs.

Count II
Plaintiff v. Big Lots Stores, Inc.

28. The negligence of Defendant, BIG LOTS STORES, INC. consisted of the following:
 - a. Creating the dangerous condition of the Premises;
 - b. failing to properly, completely, and thoroughly inspect the subject area for dangerous and hazardous conditions;
 - c. inviting use of the dangerous path of travel;
 - d. creating the defective and dangerous condition of the sidewalk;
 - e. allowing the defective and dangerous condition to exist and remain for an unreasonable amount of time;
 - f. failure to maintain the subject area;
 - g. failure to hire a competent property management and or maintenance service;

- h. failure to provide sufficient lighting in the area;
- i. failure to construct and maintain a consistent and even curb height;
- j. failure to warn Plaintiffs of the defective condition and change in elevation of the curb of the sidewalk;
- k. failure to warn pedestrians, including the Plaintiff of the aforesaid defective condition of the Premises; and
- l. failure to construct the sidewalk in conformity with local building regulations and codes.

WHEREFORE, Plaintiff, MAUREEN SCULLON, demands damages against Defendant, BIG LOTS STORES, INC., in an amount in excess of Thirty-Five Thousand (\$35,000.00) Dollars, plus costs.

LOWENTHAL & ABRAMS, P.C.

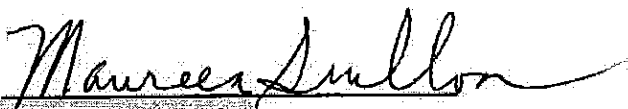
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JACQUELINE MORGAN, ESQUIRE
Attorneys for Plaintiff

Dated: May 28, 2021

VERIFICATION

I, **MAUREEN SCULLON**, Plaintiff in this action, verify that the statements made in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


MAUREEN SCULLON

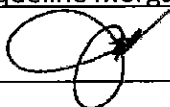
Dated: May 28, 2021

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Jacqueline Morgan, Esquire

Signature: _____

A handwritten signature in black ink, appearing to be 'JM', is written over a horizontal line.

Name: Jacqueline Morgan, Esquire

Attorney No.: 314095

Date: May 28, 2021